

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

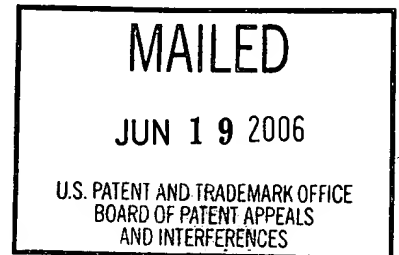
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JAMES E. PRICER and FRANK R. GROENEN

Appeal No. 2006-1055
Application No. 09/752,355

ON BRIEF



Before HAIRSTON, KRASS, and HOMERE, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-15.

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The invention pertains to tracking the actions of an Internet user. Specifically, data is loaded from transaction logs of Internet servers across plural parallel processing modules of a database system with the transaction log data including an entry for each request to the Internet server, including information that identifies which user submitted the request and the time at which the request was received by the Internet server.

Representative independent claim 1 is reproduced as follows:

1. A method for use in tracking the actions of an Internet user, the method comprising:

loading data from one or more transaction logs of one or more Internet servers across plural parallel processing modules of a database system, where the data includes an entry for each request to the Internet server, including information identifying which user submitted the request and information identifying the time at which the request was received; and

executing a database query across the parallel processing modules to select from the data all entries associated with a particular user and corresponding to a single session of that user.

The examiner relies on the following references:

Tsuchida et al. (Tsuchida)	6,026,394	Feb. 15, 2000
Muret et al. (Muret)	2002/0042821	Apr. 11, 2002
	(eff. filing date Oct. 4, 1999)	

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Claims 1-15 stand rejected under 35 U.S.C. § 103 as unpatentable over Muret in view of Tsuchida.

Reference is made to the brief (filed July 5, 2005) and answer for the respective positions of appellants and the examiner.

OPINION

With regard to independent claim 1, the examiner contends that Muret describes a method for tracking the actions of an Internet user comprising loading data from one or more transaction logs of one or more Internet servers into a database system (page 2, paragraph 51, lines 1-2 of Muret), where the data includes an entry for each request to the Internet server (page 2, paragraph 51, lines 4-6 of Muret), including information identifying which user submitted the request (page 4, paragraph 71, lines 7-10 of Muret) and information identifying the time at which the request was received (page 3, paragraph 55, lines 1-5 of Muret), wherein all entries associated with a particular user and corresponding to a single session of that user is selected from the data (page 4, paragraph 71 of Muret).

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The examiner indicates that Muret fails to disclose that the database system comprises plural parallel processing modules or executing a database query across the plural parallel processing modules to select the entries from the data.

The examiner turns to Tsuchida, at column 2, lines 54-58, for a teaching of plural parallel processing modules as a means to decrease the time required to search a database. The examiner further indicates that Tsuchida teaches a plurality of parallel processing modules including distribution nodes, join nodes, and decision management nodes, at column 2, line 59 through column 3, line 18.

The examiner concludes that it would have been obvious to use plural parallel processing modules in the database system to select the entries for a particular user from the data because of the advantage of speeding up the process of sorting through the data to select the desired entries (see pages 3-4 of the answer).

Appellants' response, in a nutshell, is that the combination of Muret and Tsuchida fails to disclose or suggest loading, storing, or managing "data from one or more transaction logs of one or more Internet servers" across "plural parallel processing modules" of a database system, and then "execut[ing] a database query across the parallel processing modules to select from the data all entries associated with a particular user and corresponding to a single session of that user," as required by all of the instant claims.

Appellants contend that the error in the examiner's reasoning is that the examiner recognizes that Muret fails to disclose that the database system comprises plural parallel processing modules or executing a database query across the plural parallel processing modules to select the entries from the data, but the examiner fails to appreciate that the sessionizing technique described by Muret is not intended for execution in a parallel system and does not lend itself to a parallel execution across plural parallel processing modules. If Muret's program is not created for execution in parallel across plural processing

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modules, and it is not obvious that the program could be executed in such a manner, then Tsuchida's teaching of plural parallel processing modules as a means to decrease the time required to search a database is of no help in suggesting the modification to Muret to include plural parallel processing modules.

We have reviewed the evidence before us, including the disclosures of the applied references and the arguments of appellants and the examiner, and we conclude therefrom that the examiner has established a prima facie case of obviousness that has not been successfully rebutted by appellants.

Taking claim 1 as exemplary, Muret clearly teaches the loading of data from one or more transaction logs of one or more Internet servers, where the data includes an entry for each request to the Internet server, including information identifying which user submitted the request and information identifying the time at which the request was received. Note paragraph 0071 at page 4 of the reference.

Paragraph 0071 of Muret also suggests the execution of a database query to select data for all entries associated with a

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particular user and a corresponding single session of that user ("Based on a unique identifier, such as an IP number or session id and a timestamp, the visitor identification module 230 determines which visitor record in the database 300 will need to be updated").

As indicated by the examiner, it is the claimed feature of the servers, and the execution of the database query being "across plural parallel processing modules" which is absent from Muret.

But the examiner has identified the teaching of Tsuchida at column 2, line 54 through column 3, line 18 suggesting parallel processing in a database for the advantage of quicker processing. With this teaching in mind, the examiner, reasonably in our view, finds that the artisan would have been led to employing plural parallel processing modules in Muret to speed up the processing of that system.

Thus, the examiner has identified a deficiency of the prior art system of Muret and has shown the deficiency to be taught in Tsuchida, along with a reason for the artisan to have been led to

modify Muret by Tsuchida's teaching, in order to arrive at the instant claimed subject matter. Accordingly, in our view, a prima facie case of obviousness has been established.

Appellants do not deny the teachings alleged by the examiner. They only argue that Muret's system is not "intended for execution in a parallel system and in fact does not lend itself to parallel execution across plural processing modules" (brief-page 4).

Yet, in view of the strong teaching by Tsuchida of the advantage of employing plural parallel processing modules, it would appear to us that the artisan would have been clearly motivated to employ plural parallel processing modules in Muret unless there was some evidence that such modules could not or would not be used, or would not be applicable, in Muret's system. While appellants argue that this is, indeed, the case, appellants never point to any evidence as to why they conclude that Muret's system is not "intended for execution in a parallel system and in fact does not lend itself to parallel execution across plural processing modules" (brief-page 4).

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Appellants point out that Muret's system "uses a very complex, and inevitably slow, sequential program to parse through web-log data, distributing this data across a vast array of tables" (brief-page 4), with the tables including a visitor table, data tables, a hash table, a rank table, a record table, and a string table. Appellants assert that the complexity and sequential nature of Muret's control program and the database management pieces that it must oversee somehow precludes Muret's system from gaining any benefit from the use of plural parallel processing modules. But, complexity of a system, per se, does not appear to us to preclude the use of plural, parallel processing modules for the purpose of speeding up processing time.

Accordingly, since, in our view, the examiner has established a prima facie case of obviousness that has not been successfully rebutted by any evidence or convincing argument by appellants, we will sustain the rejection of claims 1-15 under 35 U.S.C. § 103.

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The examiner's decision is affirmed.

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 C.F.R.
§ 1.136(a)(1)(iv).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge)


ERROL A. KRASS
Administrative Patent Judge)


JEAN R. HOMERE
Administrative Patent Judge)

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